



# City of Lowell Planning Board

## Application for Endorsement of a Plan Thought not to Require Approval

(FORM C)

### OFFICIAL USE:

Date of Receipt: \_\_\_\_\_ Received By: \_\_\_\_\_ Date of Approval: \_\_\_\_\_  
Complete \_\_\_\_\_ Not Complete \_\_\_\_\_ Date : \_\_\_\_\_

The following application is made to the City of Lowell Planning Board in accordance with the provisions of Massachusetts General Law Chapter 41, Sections 81K-81GG, "The Subdivision Control Law," and the City of Lowell Subdivision Regulations.

### 1. Application Information

Address of Property Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone No. \_\_\_\_\_ FAX No. \_\_\_\_\_

Email: \_\_\_\_\_

Second Owner (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Telephone No. \_\_\_\_\_ FAX No. \_\_\_\_\_

Email: \_\_\_\_\_

Owner's Agent: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Telephone No: \_\_\_\_\_ FAX No.: \_\_\_\_\_

Email: \_\_\_\_\_

Tenant/Lessee/Purchaser (If Applicable): \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Telephone No: \_\_\_\_\_ FAX No.: \_\_\_\_\_

Email: \_\_\_\_\_

### 2. Property Information

Property Deed Recorded at the Middlesex North Registry of Deeds: Book \_\_\_\_\_ Page \_\_\_\_\_

Zoning District: \_\_\_\_\_

Minimum Frontage Required by Zoning: \_\_\_\_\_

Number of Building Lots Shown on Plan: \_\_\_\_\_

Number of Non-Buildable Parcels Shown on Plan: \_\_\_\_\_

### 3. Case for Endorsement

Please note that all ANR plans proposing to create new building lots must adhere to the following requirements. If one or more of these requirements is not met, the plan will be denied endorsement.

1. Each lot shown must meet or exceed the minimum frontage required by the Lowell Zoning Code on one of the three types of ways specified in MGL Chapter 41, Section 81-L.
2. Vital access to each lot, as contemplated by MGL Chapter 41, Section 81M, must exist.
3. Frontage on unbuilt or "paper" streets does not meet these standards unless the way is shown on plan approved under the Subdivision Control Law and a valid performance guarantee is held by the Lowell Planning Board to insure completion of all public works serving the proposed lot(s).
4. An ANR cannot create a valid building lot by dividing it from another parcel rendered nonconforming by such division (*Pateuk v. Coppola*, 6 LCR 312 (1998)).

This Plan is thought not to require approval because (please check the condition or conditions which pertain to this application):

- \_\_\_\_\_ 1. It is not a division of land.
- \_\_\_\_\_ 2. Although it is a division of land into two or more parcels, only one of said parcels can be defined as a "lot", i.e. having definite boundaries, and used, or available for use, as the site of one or more buildings.
- \_\_\_\_\_ 3. Every lot shown has the minimum frontage by the Lowell Zoning Ordinance on a public way, namely \_\_\_\_\_ (street). Please attach copy of the Vote of the Lowell City Council accepting the street. This can be obtained from the City Clerk's office.
- \_\_\_\_\_ 4. Every lot shown has the minimum frontage required by the Lowell Zoning Ordinances on a way shown on a Plan hereto approved in accordance with the Subdivision Control Law, namely \_\_\_\_\_ (street).
- \_\_\_\_\_ 5. *(If item is checked, certification by signature of a Registered Engineer or Land Surveyor I is required)*. Every lot shown has the minimum frontage required by the Lowell Zoning Ordinances on a way in existence on January 1, 1960, namely \_\_\_\_\_ (street), recorded at N.M.R.D. Book \_\_\_\_\_, Page \_\_\_\_\_, and the following conditions now exist for the full frontage of the land being subdivided.
  - A. The street right-of-way is at least 40' wide
  - B. The street, if dead ending in the applicant's property, has been provided with a turnaround of 45' minimum radius.
  - C. Proposed lots, if at street intersections, have been provided with a property line radius of not less than 20 feet.

- D. The Plan has been approved and signed by the Board of Health and Commissioner of Public Works.
- E. The street has a 28' wide bituminous pavement in a 12" gravel base, each meeting Planning Board specifications.
- F. Longitudinal street grades are not less than 1.0% nor more than 10.0%.
- G. The applicant may request the Planning Board, through its authorized representative, to waive any of the proceeding conditions as can be shown to be unreasonable. Such request should be set forth in detail on separate sheets to be attached to this application.
- \_\_\_\_\_ 6. It is made for the purpose of adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the minimum frontage required by the Lowell Zoning Ordinance.
- \_\_\_\_\_ 7. It is a division of a tract of land, on which two or more buildings were standing on January 1, 1960, into two separate lots, on each of which one of such building remains standing. If more than two, \_\_\_\_\_ (number).
- \_\_\_\_\_ 8. The lots shown, and the rights-of-way and easements appurtenant thereto, had been sold before January 1, 1960, and were held in ownership separate from that of the remainder of a subdivision which was recorded in the Registry of Deeds before January 1, 1960, N.M.R.D., Book \_\_\_\_\_, Page \_\_\_\_\_.
- \_\_\_\_\_ 9. This subdivision was registered by the Land Court before February 1, 1952, Plan No. \_\_\_\_\_, Document No. \_\_\_\_\_, Certificate No. \_\_\_\_\_.
- \_\_\_\_\_ 10. Other reasons (provide a detailed explanation on additional sheets attached to this application):  
(See Massachusetts General Laws, Chapter 41, Section 81-L)

#### **4. Approval Not Required Plan Submission Requirements**

**Place a check mark next to each item to confirm that it is included in this package:**

- \_\_\_\_\_ A. Completed Application for the Endorsement of a Plan Thought not to Require Approval by the Planning Board (this form).
- \_\_\_\_\_ B. Original on mylar (meeting all requirements of the Registry of Deeds) and three copies of the stamped plan with locations provided for endorsement by the Planning Board and City Engineer.
- \_\_\_\_\_ C. A copy of the current deed to the property shown on the plan.
- \_\_\_\_\_ D. If argument #3 above is checked, a copy of the Vote of the Lowell City Council accepting the street or way.
- \_\_\_\_\_ E. A narrative or other supporting material which may be requested by the Planning Board.
- \_\_\_\_\_ F. Filing fees as established by the Lowell Planning Board and Lowell City Council.

## RELATIONSHIP OF SUBDIVISIONS OF LOTS WITH EXISTING BUILDINGS TO THE LOWELL ZONING CODE

PLEASE BE AWARE OF THE FOLLOWING PROVISIONS OF THE LOWELL ZONING CODE AS IT MAY AFFECT THE TITLE OF THE RESULTING SUBDIVIDED LOTS.

### SECTION 5.1 LOT FRONTAGE

No building or structure shall be built nor shall any existing building or structure be enlarged which does not conform to the regulations as to the regulations . . . as set forth in the Table of Dimensional Requirements, except hereinafter provided.

### SECTION 5.1.9 REDUCTION OF LOT AREA.

No lot shall be changed in size or shape so that the height, area, yard or off-street parking and loading requirements herein (the Lowell Zoning Code) prescribed are no longer satisfied. This provision shall not apply where a portion of a lot is acquired for public purpose. This provision shall not apply in regard to lot size, lot width and side yards in the event of a sale of an individually owned semi-detached or attached dwelling unit.

It is the obligation if the applicant presenting any Approval Not Required Subdivision Plan that is subject to the above Zoning Regulation, for which **the Planning Board does not make any determination as to Zoning Code compliance**, to submit a copy of the plan to the Commissioner of Buildings at the Building Department office at Lowell City Hall.

### **5. Authorization (Must be Signed by the Owner of the Property)**

I am the record owner of the property for which this application is being filed and as such, I am familiar with the details of this request as it impacts my property.

I hereby give permission for this application to be filed with the full understanding that certain restrictions may be placed on the property relative to the approval of this request.

I further certify that under the penalties of perjury, I am authorized to sign this application.

Name (Please Print): \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If representing a group, corporation, or other organization please attach a copy of the vote authorizing you to act on behalf of such organization for the purposes of this application.

*An application will not be considered complete and will not be submitted to the Planning Board for its action until all required documentation/information has been submitted to the Planning Board Administrator by the correct deadline. Regular meetings of the Planning Board are generally held on the first and third Monday of every month (with only one meeting in July, August, and December). If Planning Board review is deemed to be required, completed applications must be submitted at least 14 days prior to a regularly-scheduled Planning Board meeting when the request will be considered. Submit all required materials to:*

James Errickson, Associate Planner/Planning Board Administrator  
Division of Planning and Development, JFK Civic Center, 50 Arcand Drive, Lowell, MA 01852  
(978) 446-7245, fax: (978) 446-7014, email: [jerrickson@ci.lowell.ma.us](mailto:jerrickson@ci.lowell.ma.us)